IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE KURIAN JOSEPH
&
THE HONOURABLE MR. JUSTICE K.T.SANKARAN

TUESDAY, THE 13TH FEBRUARY 2007 / 24TH MAGHA 1928

LA.App..No. 1378 of 2003(D)

LAR.13/2001 of PRL.SUB COURT,KOTTAYAM
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APPELLANT: RESPONDENT:

STATE OF KERALA.

BY GOVERNMENT PLEADER SRI.MANOJ.

RESPONDENTS: CLAIMANTS:

PARAMESWARAN NAIR, VELLOOR VILLAGE,
MEVALLUR KARA.

BY ADV. SRI.SANTHEEP ANKARATH
SRI.RAJAN NAMBRATH

THIS LAND ACQUISITION APPEAL HAVING BEEN FINALLY HEARD ON ON 13/02/2007, ALONG WITH LAA NO.1495/03, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

KURIAN JOSEPH & K.T.SANKARAN, JJ.

L.A.A.Nos.1378 & 1495 of 2003

Dated 13th February, 2007.

J U D G M E N T

Sankaran, J.

These Land Acquisition Appeals arise out of the common judgment in L.A.RNos.11 and 13 of 2001, on the file of the Sub Court, Kottayam. The court below enhanced the land value by 60% of the valuation as in Exts.R1 and R2 documents produced on the side of the appellant herein. The court below held that the evidence of AW1 regarding the cultivation, fertility of the land etc. is credible and that the evidence of AW1 is fortified by the facts disclosed in the mahazar available in the case. The claimant in L.A.R.13/01 was examined as AW1. He was residing with his family in the house situated in the property acquired in the case. It has come out in evidence that important institutions are situated near the acquired land. The claimants produced a copy of the sale deed dated 5.1.2000 to show that the value as awarded by the Land Acquisition Officer is too low. The court below did not accept that document on the ground that what was produced was only a photocopy and not the original or registration copy of the document. The land

value fixed in L.A.R.11/01 was Rs.30,875/- per Are and the value fixed in L.A.R.13/01 was Rs.40,137/- per Are. There were structures in existence in the property in L.A.R.13/01. On a re-appraisal of the evidence and the facts and circumstances of the case, it cannot be said that the enhancement granted by the court below is unsustainable, illegal or unreasonable. Therefore, we do not find any ground to interfere in the judgment and decree passed by the court below. The Appeals are dismissed.

I.A.2079/03 in L.A.A.1378/03 : Dismissed.

I.A.2708/03 in L.A.A.1495/03 : Dismissed.

KURIAN JOSEPH, JUDGE.

K.T.SANKARAN, JUDGE.

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KURIAN JOSEPH & K.T.SANKARAN, JJ

L.A.A. NO. OF 2004

J U D G M E N T

Dated 13th February, 2007.